

111TH CONGRESS
1ST SESSION

H. R. 549

To amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 15, 2009

Mr. KING of New York (for himself and Mr. THOMPSON of Mississippi) introduced the following bill; which was referred to the Committee on Homeland Security

A BILL

To amend the Homeland Security Act of 2002 to establish the Office for Bombing Prevention, to address terrorist explosive threats, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Bombing Pre-
5 vention Act of 2009”.

6 **SEC. 2. BOMBING PREVENTION.**

7 (a) IN GENERAL.—Subtitle A of title II of the Home-
8 land Security Act of 2002 (6 U.S.C. 121 et seq.) is amend-
9 ed by adding at the end the following new section:

1 **“SEC. 210F. OFFICE FOR BOMBING PREVENTION.**

2 “(a) IN GENERAL.—The Secretary shall establish
3 within the Protective Security Coordination Division of the
4 Office of Infrastructure Protection of the Department an
5 Office for Bombing Prevention (in this section referred to
6 as ‘the Office’).

7 “(b) RESPONSIBILITIES.—The Office shall have the
8 primary responsibility for enhancing the ability, and co-
9 ordinating the efforts, of the United States to deter, de-
10 tect, prevent, protect against, and respond to terrorist ex-
11 plosive attacks in the United States, including by—

12 “(1) serving as the lead agency of the Depart-
13 ment for ensuring that programs designed to
14 counter terrorist explosive attacks in the United
15 States function together efficiently to meet the evol-
16 ving threat from explosives and improvised explosive
17 devices;

18 “(2) coordinating national and intergovern-
19 mental bombing prevention activities to ensure those
20 activities work toward achieving common national
21 goals;

22 “(3) conducting analysis of the capabilities and
23 requirements necessary for Federal, State, local, and
24 tribal governments to deter, prevent, detect, protect
25 against, and assist in any response to terrorist ex-
26 plosive attacks in the United States by—

1 “(A) maintaining a national analysis data-
2 base on the capabilities of bomb squads, explo-
3 sive detection canine teams, tactics teams, and
4 public safety dive teams; and

5 “(B) applying the analysis derived from
6 the database described in subparagraph (A)
7 in—

8 “(i) evaluating progress toward clos-
9 ing identified gaps relating to national
10 strategic goals and standards; and

11 “(ii) informing decisions relating to
12 homeland security policy, assistance, train-
13 ing, research, development efforts, testing
14 and evaluation, and related requirements;

15 “(4) promoting secure information sharing of
16 sensitive material and promoting security awareness,
17 including by—

18 “(A) operating and maintaining a secure
19 information sharing system that allows the
20 sharing of critical information relating to ter-
21 rorist explosive attack tactics, techniques, and
22 procedures;

23 “(B) educating the public and private sec-
24 tors about explosive precursor chemicals;

1 “(C) working with international partners,
2 in coordination with the Office for International
3 Affairs of the Department, to develop and share
4 effective practices to deter, prevent, detect, pro-
5 tect, and respond to terrorist explosive attacks
6 in the United States; and

7 “(D) executing national public awareness
8 and vigilance campaigns relating to terrorist ex-
9 plosive threats, preventing explosive attacks,
10 and activities and measures underway to safe-
11 guard the United States;

12 “(5) assisting State, local, and tribal govern-
13 ments in developing multi-jurisdictional improvised
14 explosive devices security plans for high-risk jurisdic-
15 tions;

16 “(6) helping to ensure, in coordination with the
17 Under Secretary for Science and Technology and the
18 Administrator of the Federal Emergency Manage-
19 ment Agency, the identification and availability of
20 effective technology applications through field pilot
21 testing and acquisition of such technology applica-
22 tions by Federal, State, local, and tribal govern-
23 ments to deter, prevent, detect, protect, and respond
24 to terrorist explosive attacks in the United States;

1 “(7) coordinating the efforts of the Department
2 relating to, and assisting departments and agencies
3 of Federal, State, local, and tribal governments, and
4 private sector business in, developing and imple-
5 menting national explosives detection training, cer-
6 tification, and performance standards;

7 “(8) ensuring the implementation of any rec-
8 ommendations in the national strategy required
9 under section 210G, including developing, maintain-
10 ing, and tracking progress toward achieving objec-
11 tives to reduce the vulnerability of the United States
12 to terrorist explosive attacks;

13 “(9) developing, in coordination with the Ad-
14 ministrator of the Federal Emergency Management
15 Agency, programmatic guidance and permitted uses
16 for bombing prevention activities funded by home-
17 land security assistance administered by the Depart-
18 ment; and

19 “(10) establishing and executing a public
20 awareness campaign to inform the general public
21 and private sector businesses on ways they can
22 deter, detect, prevent, protect against, and respond
23 to terrorist explosive attacks in the United States,
24 that—

1 “(A) utilizes a broad spectrum of both
2 mainstream and specialty print, radio, television
3 outlets, and the Internet;

4 “(B) utilizes small and disadvantaged busi-
5 nesses, as defined under the Small Business Act
6 (15 U.S.C. 631 et seq.); and

7 “(C) ensures that the public awareness
8 messages under the campaign reach and are
9 understandable to underserved populations, in-
10 cluding—

11 “(i) persons with physical and mental
12 disabilities, health problems, visual impair-
13 ments, hearing impairments, limited
14 English proficiency, and literacy barriers;

15 “(ii) socially and economically dis-
16 advantaged households and communities;

17 “(iii) the elderly; and

18 “(iv) children.

19 “(c) LIMITATION ON STATUTORY CONSTRUCTION.—
20 Nothing in this section shall be construed to affect the
21 authority of the Administrator of the Federal Emergency
22 Management Agency, or the Attorney General of the
23 United States.

24 “(d) AUTHORIZATION OF APPROPRIATIONS.—

1 “(1) IN GENERAL.—There are authorized to be
2 appropriated to carry out this section—

3 “(A) \$10,000,000 for fiscal year 2010;

4 “(B) \$25,000,000 for each of fiscal years
5 2011 through 2013; and

6 “(C) such sums as may be necessary for
7 each subsequent fiscal year.

8 “(2) AVAILABILITY.—Amounts made available
9 pursuant to paragraph (1) are authorized to remain
10 available until expended.

11 “(e) ENHANCEMENT OF EXPLOSIVES DETECTION
12 CANINE RESOURCES AND CAPABILITIES.—To enhance the
13 Nation’s explosives detection canine resources and capa-
14 bilities the Secretary of Homeland Security shall, by
15 partnering with other Federal, State, local, and tribal
16 agencies, nonprofit organizations, universities including
17 historically black colleges and universities and minority
18 serving institutions, and the private sector—

19 “(1) within 270 days after the date of the en-
20 actment of this subsection—

21 “(A) develop a pilot program that includes
22 a domestic breeding program for purpose-bred
23 explosives detection canines; and

24 “(B) increase the current number of capa-
25 bility assessments of explosives detection canine

1 units to identify common challenges and gaps in
2 canine explosives detection, to provide for effective
3 domestic preparedness and collective response
4 to terrorism, and to inform grant guidance
5 and priorities, consistent with national capabilities
6 database efforts;

7 “(2) continue development of a scientifically
8 based training curriculum to enhance consensus-
9 based national training and certification standards
10 to provide for effective domestic preparedness and
11 collective response to terrorism through the effective
12 use of explosives detection canines for explosives de-
13 tection canines; and

14 “(3) continue engagement in explosives detec-
15 tion canine research and development activities
16 through partnerships with the Science and Tech-
17 nology Directorate and the Technical Support Work-
18 ing Group.

19 **“SEC. 210G. NATIONAL STRATEGY.**

20 “(a) IN GENERAL.—The Secretary shall develop and
21 periodically update a national strategy to prevent and pre-
22 pare for terrorist explosive attacks in the United States.

23 “(b) DEVELOPMENT.—Not later than 90 days after
24 the date of the enactment of this section, the Secretary

1 shall develop the national strategy required under sub-
2 section (a).

3 “(c) REPORTING.—Not later than six months after
4 the date of the submission of the report regarding each
5 quadrennial homeland security review conducted under
6 section 707, the Secretary shall submit to the Committee
7 on Homeland Security of the House of Representatives
8 and the Committee on Homeland Security and Govern-
9 mental Affairs of the Senate a report regarding the na-
10 tional strategy required under subsection (a), which shall
11 include recommendations, if any, for deterring, pre-
12 venting, detecting, protecting against, and responding to
13 terrorist attacks in the United States using explosives or
14 improvised explosive devices, including any such rec-
15 ommendations relating to coordinating the efforts of Fed-
16 eral, State, local, and tribal governments, emergency re-
17 sponse providers, and the private sector.”.

18 (b) TECHNICAL AND CONFORMING AMENDMENT.—
19 The table of contents in section 1(b) of the Homeland Se-
20 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by
21 inserting after the item relating to section 210E the fol-
22 lowing new items:

“Sec. 210F. Office for Bombing Prevention.
“Sec. 210G. National strategy.”.

1 **SEC. 3. EXPLOSIVES TECHNOLOGY DEVELOPMENT AND**
2 **TRANSFER.**

3 (a) IN GENERAL.—Title III of the Homeland Secu-
4 rity Act of 2002 (6 U.S.C. 181 et seq.) is amended by
5 adding at the end the following new sections:

6 **“SEC. 318. EXPLOSIVES RESEARCH AND DEVELOPMENT.**

7 “(a) IN GENERAL.—The Secretary, acting through
8 the Under Secretary for Science and Technology, and in
9 coordination with the Under Secretary for National Pro-
10 tection and Programs, the Attorney General, the Secretary
11 of Defense, and the head of any other relevant Federal
12 department or agency, shall ensure coordination and infor-
13 mation sharing regarding nonmilitary research, develop-
14 ment, testing, and evaluation activities of the Federal Gov-
15 ernment relating to the detection and prevention of, pro-
16 tection against, and response to terrorist attacks in the
17 United States using explosives or improvised explosive de-
18 vices, and the development of tools and technologies nec-
19 essary to neutralize and disable explosive devices.

20 “(b) LEVERAGING MILITARY RESEARCH.—The Sec-
21 retary, acting through the Under Secretary for Science
22 and Technology, and in coordination with the Under Sec-
23 retary for National Protection and Programs, shall coordi-
24 nate with the Secretary of Defense and the head of any
25 other relevant Federal department or agency to ensure
26 that, to the maximum extent possible, military policies and

1 procedures, and research, development, testing, and eval-
2 uation activities relating to the detection and prevention
3 of, protection against, and response to terrorist attacks
4 using explosives or improvised explosive devices, and the
5 development of tools and technologies necessary to neu-
6 tralize and disable explosive devices, are adapted to non-
7 military uses.

8 **“SEC. 319. TECHNOLOGY TRANSFER.**

9 “(a) IN GENERAL.—The Secretary, acting through
10 the Under Secretary for Science and Technology, and in
11 coordination with the Under Secretary for National Pro-
12 tection and Programs, shall establish a technology trans-
13 fer program to facilitate the identification, modification,
14 and commercialization of technology and equipment for
15 use by Federal, State, and local governmental agencies,
16 emergency response providers, and the private sector to
17 deter, prevent, detect, protect, and respond to terrorist at-
18 tacks in the United States using explosives or improvised
19 explosive devices.

20 “(b) PROGRAM.—The activities under the program
21 established under subsection (a) shall include—

22 “(1) applying the analysis conducted under sec-
23 tion 210F(b)(3) of the capabilities and requirements
24 of bomb squad, explosive detection canine teams,
25 tactical teams, and public safety dive teams of Fed-

1 eral, State, and local governments, to determine the
2 training and technology requirements for Federal,
3 State, and local governments, emergency response
4 providers, and the private sector;

5 “(2) identifying available technologies designed
6 to deter, prevent, detect, protect, or respond to ter-
7 rorist attacks using explosives or improvised explo-
8 sive devices that have been, or are in the process of
9 being, developed, tested, evaluated, or demonstrated
10 by the Department, other Federal agencies, the pri-
11 vate sector, foreign governments, or international or-
12 ganizations;

13 “(3) reviewing whether a technology described
14 in paragraph (2) may be useful in assisting Federal,
15 State, or local governments, emergency response
16 providers, or the private sector in detecting, deter-
17 ring, preventing, or responding to terrorist attacks
18 using explosives or improvised explosive devices; and

19 “(4) communicating to Federal, State, and local
20 governments, emergency response providers, and the
21 private sector the availability of any technology de-
22 scribed in paragraph (2), including providing the
23 specifications of any such technology, indicating
24 whether any such technology satisfies appropriate
25 standards, and identifying grants, if any, available

1 from the Department to purchase any such tech-
 2 nology.

3 “(c) WORKING GROUP.—To facilitate the transfer of
 4 military technologies, the Secretary, acting through the
 5 Under Secretary for Science and Technology, in coordina-
 6 tion with the Secretary of Defense, and in a manner con-
 7 sistent with protection of sensitive sources and methods,
 8 shall establish a working group to advise and assist in the
 9 identification of military technologies designed to deter,
 10 prevent, detect, protect, or respond to terrorist explosive
 11 attacks that are in the process of being developed, or are
 12 developed, by the Department of Defense or the private
 13 sector.”.

14 (b) TECHNICAL AND CONFORMING AMENDMENT.—
 15 The table of contents in section 1(b) of the Homeland Se-
 16 curity Act of 2002 (6 U.S.C. 101 et seq.) is amended by
 17 inserting after the item relating to section 317 the fol-
 18 lowing new items:

“Sec. 318. Explosives research and development.

“Sec. 319. Technology transfer.”.

19 **SEC. 4. GAO STUDY OF EXPLOSIVES DETECTION CANINE**
 20 **TEAMS.**

21 Section 1307(f) of the Implementing Recommenda-
 22 tions of the 9/11 Commission Act of 2007 (Public Law
 23 110–53; 121 Stat. 395) is amended by striking “utiliza-
 24 tion” and all that follows through the end of the sentence

1 and inserting “utilization of explosives detection canine
2 teams, by the Transportation Security Administration and
3 all other agencies of the Department of Homeland Secu-
4 rity that utilize explosives detection canines, to strengthen
5 security and the capacity of explosive detection canine de-
6 tection teams of the Department.”.

7 **SEC. 5. REPORT ON CANINE PROCUREMENT ACTIVITIES.**

8 The Secretary of Homeland Security shall submit a
9 report to the Committee on Homeland Security of the
10 House of Representatives and the Committee on Home-
11 land Security and Governmental Affairs of the Senate by
12 not later than 180 days after the date of the enactment
13 of this Act examining the administration of canine pro-
14 curement activities by the Department of Homeland Secu-
15 rity to deter, prevent, detect, and protect against terrorist
16 explosive attacks in the United States, that includes con-
17 sideration of the feasibility of reducing the price paid for
18 the procurement of untrained canines, including by uti-
19 lizing an expanded pool of breeds, procuring canines from
20 domestic breeders, and acquiring canines from animal
21 shelters, rescue societies, and other not-for-profit entities.

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